

IC 8-23

**ARTICLE 23. INDIANA DEPARTMENT OF
TRANSPORTATION**

IC 8-23-1

Chapter 1. Definitions

IC 8-23-1-1

Application throughout article

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.112-1989, SEC.5.

IC 8-23-1-2 Repealed

(Repealed by P.L.18-1990, SEC.299.)

IC 8-23-1-3

Repealed

(Repealed by P.L.18-1990, SEC.299.)

IC 8-23-1-4

Repealed

(Repealed by P.L.18-1990, SEC.299.)

IC 8-23-1-5

Repealed

(Repealed by P.L.18-1990, SEC.299.)

IC 8-23-1-6

Repealed

(Repealed by P.L.18-1990, SEC.299.)

IC 8-23-1-7

Application of additional definitions

Sec. 7. The definitions in IC 36-1-2 apply to this article.

As added by P.L.18-1990, SEC.165.

IC 8-23-1-8

"Abandonment" defined

Sec. 8. "Abandonment" means the cessation of use of right-of-way activity upon a site with no intention to reclaim or use the site again for highway purposes.

As added by P.L.18-1990, SEC.166.

IC 8-23-1-9

"Adjacent area" defined

Sec. 9. "Adjacent area" means an area that is adjacent to and within six hundred sixty (660) feet of the nearest edge of the right-of-way of an interstate or primary highway.

As added by P.L.18-1990, SEC.167.

IC 8-23-1-10**"Agency" defined**

Sec. 10. "Agency" has the meaning set forth in IC 4-22-2-3.
As added by P.L.18-1990, SEC.168.

IC 8-23-1-11**"Arterial highway" defined**

Sec. 11. "Arterial highway" means a highway designed primarily for through traffic, usually on a continuous route.
As added by P.L.18-1990, SEC.169.

IC 8-23-1-12**"Arterial street" defined**

Sec. 12. "Arterial street" means a street designed primarily for through traffic, usually on a continuous route.
As added by P.L.18-1990, SEC.170.

IC 8-23-1-13**"Authority" defined**

Sec. 13. "Authority" refers to the Indiana transportation finance authority established under IC 8-9.5-8-2.
As added by P.L.18-1990, SEC.171.

IC 8-23-1-14**"Automobile graveyard" defined**

Sec. 14. "Automobile graveyard" means an establishment or place of business that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
As added by P.L.18-1990, SEC.172.

IC 8-23-1-14.5**"Commerce corridors" defined**

Sec. 14.5. "Commerce corridor" means that part of a recognized system of highways that:

- (1) directly facilitates intrastate, interstate, or international commerce and travel;
- (2) enhances economic vitality and international competitiveness; or
- (3) provides service to all parts of Indiana and the United States.

As added by P.L.87-1991, SEC.1.

IC 8-23-1-15**"Commissioner" defined**

Sec. 15. "Commissioner" refers to the commissioner of the department.
As added by P.L.18-1990, SEC.173.

IC 8-23-1-16

"County arterial highway system" defined

Sec. 16. "County arterial highway system" means a system of highways designated by the county highway authority as having the greatest general importance to the county and for which responsibility is assigned to the county highway authority.

As added by P.L.18-1990, SEC.174.

IC 8-23-1-17

"County local highway system" defined

Sec. 17. "County local highway system" means the roads and streets used primarily for access to residence, business, farm, or other abutting property and for which responsibility is assigned to the county highway authority.

As added by P.L.18-1990, SEC.175.

IC 8-23-1-18

"Curb" defined

Sec. 18. "Curb" means a stone or row of stones, or a similar construction of concrete or other material, along the margin of a roadway as a limit to the roadway and a restraint upon and protection to the adjoining sidewalk space.

As added by P.L.18-1990, SEC.176.

IC 8-23-1-19

"Department" defined

Sec. 19. "Department" refers to the Indiana department of transportation established under IC 8-23-2-1.

As added by P.L.18-1990, SEC.177.

IC 8-23-1-20

"Directional and other official signs and notices" defined

Sec. 20. "Directional and other official signs and notices" includes signs and notices pertaining to natural, scenic, and historical attractions that are required or authorized by law and conform to the national standards adopted by the United States Secretary of Commerce under 23 U.S.C. 131(c).

As added by P.L.18-1990, SEC.178.

IC 8-23-1-21

"Erect" defined

Sec. 21. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish. The term does not include an activity performed as an incident to the change of an advertising message or normal maintenance or repair of a sign structure.

As added by P.L.18-1990, SEC.179.

IC 8-23-1-22

"Executive" defined

Sec. 22. "Executive" has the meaning set forth in IC 36-1-2-5.

However, for a consolidated city, the term means the city-county council.

As added by P.L.18-1990, SEC.180.

IC 8-23-1-22.5

"Extraordinary cost" defined

Sec. 22.5. "Extraordinary cost" means the cost to a utility to relocate existing facilities that is either:

(1) more than ten percent (10%) of the total operating revenue received by the utility during the utility's most recent full fiscal year; or

(2) more than fifty percent (50%) of the total estimated cost of a proposed highway or bridge construction or improvement project.

As added by P.L.63-1992, SEC.1.

IC 8-23-1-23

"Highway, street, or road" defined

Sec. 23. "Highway, street, or road" means a public way for purposes of vehicular traffic, including the entire area within the right-of-way. However, the term does not include a highway for purposes of IC 8-2.1.

As added by P.L.18-1990, SEC.181.

IC 8-23-1-24

"Information center" defined

Sec. 24. "Information center" means an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within Indiana and providing other information that the department considers desirable.

As added by P.L.18-1990, SEC.182.

IC 8-23-1-25

"Interstate system" defined

Sec. 25. "Interstate system" means the part of the national system of interstate and defense highways located within Indiana as officially designated by the department and approved by the United States Secretary of Commerce under 23 U.S.C.

As added by P.L.18-1990, SEC.183.

IC 8-23-1-26

"Junk" defined

Sec. 26. "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or automobile parts, iron, steel, and other old scrap ferrous or nonferrous material.

As added by P.L.18-1990, SEC.184.

IC 8-23-1-27

"Junkyard" defined

Sec. 27. "Junkyard" means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. The term includes garbage dumps and sanitary fills. The term does not include a scrap metal processing facility.

As added by P.L.18-1990, SEC.185.

IC 8-23-1-28

"Limited access facility" defined

Sec. 28. "Limited access facility" means a highway or street designed for through traffic, over, from, or to which owners or occupiers of abutting land or other persons have either no right or easement or a limited right or easement of direct access, light, air, or view because their property abuts upon the limited access facility or for any other reason. The highways or streets may be parkways from which trucks, busses, and other commercial vehicles are excluded or freeways open to use by all customary forms of highway and street traffic.

As added by P.L.18-1990, SEC.186.

IC 8-23-1-29

"Maintain" defined

Sec. 29. "Maintain" means allow to exist.

As added by P.L.18-1990, SEC.187.

IC 8-23-1-30

"Main-traveled way" defined

Sec. 30. "Main-traveled way" means the traveled way of a highway on which through traffic is carried. For a divided highway, the term includes the traveled way of each of the separated roadways for traffic in opposite directions. The term does not include frontage roads, turning roadways, or parking areas.

As added by P.L.18-1990, SEC.188.

IC 8-23-1-31

"Municipal arterial street system" defined

Sec. 31. "Municipal arterial street system" means a system of arterial streets and highways designated by the municipal street authority as having the greatest importance to the municipality and for which responsibility is assigned to the municipal street authority.

As added by P.L.18-1990, SEC.189.

IC 8-23-1-32

"Municipal local street system" defined

Sec. 32. "Municipal local street system" means roads and streets used primarily for access to residence, business, or other abutting property and for which responsibility is assigned to the municipal street authority.

As added by P.L.18-1990, SEC.190.

IC 8-23-1-33**"Primary system" defined**

Sec. 33. "Primary system" means the part of connected main highways as officially designated by the department and approved by the United States Secretary of Commerce under 23 U.S.C.

As added by P.L.18-1990, SEC.191.

IC 8-23-1-34**"Road paving material" defined**

Sec. 34. "Road paving material" means bituminous or portland concrete surfaces.

As added by P.L.18-1990, SEC.192.

IC 8-23-1-35**"Safety rest area" defined**

Sec. 35. "Safety rest area" means an area or site established and maintained within adjacent areas by or under public supervision or control for the convenience of the traveling public.

As added by P.L.18-1990, SEC.193.

IC 8-23-1-36**"Scrap metal processing facility" defined**

Sec. 36. "Scrap metal processing facility" means an establishment having facilities for processing iron, steel, or nonferrous metal and whose principal product is scrap iron, steel, or scrap for sale for remelting purposes only.

As added by P.L.18-1990, SEC.194.

IC 8-23-1-37**"Secretary" defined**

Sec. 37. "Secretary" refers to the United States Secretary of Transportation.

As added by P.L.18-1990, SEC.195.

IC 8-23-1-38**"Sign" defined**

Sec. 38. "Sign" means an outdoor sign, display, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designated, intended, or used to advertise or inform.

As added by P.L.18-1990, SEC.196.

IC 8-23-1-39**"State aid director" defined**

Sec. 39. "State aid director" refers to the chief administrative officer of the office of the department that administers programs of state and federal aid to local units of government, or the officer's designee.

As added by P.L.18-1990, SEC.197.

IC 8-23-1-40**"State highway system" defined**

Sec. 40. "State highway system" means the system of highways and streets that are of general economic importance to Indiana as a whole and for which responsibility is assigned to the department.

As added by P.L.18-1990, SEC.198.

IC 8-23-1-40.5**"Substantial completion" defined**

Sec. 40.5. "Substantial completion" refers to the date, as determined by the department, when the construction of the contract is sufficiently completed in accordance with the plans and specifications, as modified by any change orders, so that the construction can be used for its intended purpose.

As added by P.L.117-1995, SEC.1.

IC 8-23-1-41**"Transportation plan" defined**

Sec. 41. "Transportation plan" means a statement evaluating transportation policy objectives and projecting specific long range comprehensive actions to accomplish policy objectives.

As added by P.L.18-1990, SEC.199.

IC 8-23-1-42**"Traveled way" defined**

Sec. 42. "Traveled way" means the part of the roadway for the movement of vehicles. The term does not include shoulders or auxiliary lanes.

As added by P.L.18-1990, SEC.200.

IC 8-23-1-43**"Unzoned commercial or industrial area" defined**

Sec. 43. (a) "Unzoned commercial or industrial area" means an adjacent area not zoned under state or local statute, rule, or ordinance on which there is located one (1) or more permanent structures for commercial or industrial activities other than a sign or upon which a commercial or an industrial activity is actually conducted, whether or not there is a permanent structure located upon the adjacent area, and the area:

(1) extending six hundred (600) feet beyond the edge of the commercial or industrial activity as determined under subsection (c); and

(2) located along either side of an interstate or a primary highway.

The term does not include land contiguous to an interstate or a primary highway that has been designated as scenic by the state.

(b) The term does not include the following areas:

(1) Within three hundred (300) feet of a building used primarily as a residence, unless the owner of the building consents in writing to the particular commercial use.

- (2) Within five hundred (500) feet of the following:
 - (A) A public park garden.
 - (B) A recreation area or forest preserve.
 - (C) A church or school.
 - (D) An officially designated historic battlefield, museum, or historical monument.
 - (E) A safety rest or recreation area, publicly owned, controlled, and maintained under 23 U.S.C. 319.
 - (F) A sanitary or other facility for the accommodation of motorists, publicly owned, controlled, and maintained under 23 U.S.C. 319.
- (3) Within seven hundred fifty (750) feet of a strip of land in which an interest has been acquired by the state for the restoration, preservation, or enhancement of scenic beauty that is publicly controlled and maintained under 23 U.S.C. 319.
- (c) Distance from a commercial or an industrial activity described under subsection (a):
 - (1) must be:
 - (A) measured from the outer edges of the regularly used building, parking lot, storage areas, or processing areas of the commercial or industrial activity; and
 - (B) parallel to the edge of the pavement of the highway; and
 - (2) may not be measured from the property line of the commercial or industrial activity, unless the property line is located on an area described in subdivision (1)(A).

As added by P.L.18-1990, SEC.201. Amended by P.L.61-1996, SEC.11.

IC 8-23-1-44

"Urban area" defined

Sec. 44. "Urban area" means:

- (1) an urbanized area designated by the Bureau of the Census;
- (2) if an urbanized area lies within more than one (1) state, the part of the area that lies within the boundaries of Indiana; or
- (3) an urban place designated by the Bureau of the Census having a population of at least five thousand (5,000) that is not within an urbanized area and is within boundaries cooperatively established by the department and local officials.

As added by P.L.18-1990, SEC.202.

IC 8-23-1-44.5

"Utility" defined

Sec. 44.5. "Utility" has the meaning set forth in IC 8-1-9-2(a).

As added by P.L.63-1992, SEC.2.

IC 8-23-1-45

"Visible" defined

Sec. 45. "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity using the highway system.

As added by P.L.18-1990, SEC.203.

IC 8-23-1-46

"Work program" defined

Sec. 46. "Work program" means a schedule of steps to be followed in implementing a transportation plan, including the following:

- (1) A description of the sequence of steps.
- (2) The time limit within which each step is to be completed.
- (3) The product of each step.
- (4) The staff and resources required.

As added by P.L.18-1990, SEC.204.

IC 8-23-1-47

"Zoned commercial or industrial areas" defined

Sec. 47. "Zoned commercial or industrial areas" means those areas that are zoned for business, industry, commerce, or trade under a zoning ordinance.

As added by P.L.18-1990, SEC.205.